

Chapter 18.07

GENERAL TOWN REQUIREMENTS FOR STREET CUTS AND REPAIRS

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8.07.010 Permit required–Appeal.

A. Prior town approval required; applicants to obtain an encroachment permit from the county, where required. No street cuts or repairs may be made to any street within the Towns of Gardnerville or Minden (the “towns”) unless a permit is obtained from the town in which the proposed cut or repair will be made and, where required, an encroachment permit is obtained from the county, and the appropriate fees and deposits pursuant to subsection Q are made to the town through the town secretary. The deposit will be refunded promptly upon issuance of written acceptance of the repair by the public works director of the towns or any other authorized town employee.

B. A permit is nontransferable; time of the essence. A permit is nontransferable and is voidable by the towns unless the work made pursuant to the permit is commenced within the time stated on the permit and the work is diligently completed.

C. Extensions of time. Each permit will state a time period for completion of all work to be done. The town may grant extensions at its discretion after the applicant files a written request for the extension with the town and provides a reasonable basis for the extension.

D. Excavating beyond original estimate. If it becomes necessary to excavate outside the excavation boundary estimated in the original permit, the permittee must pay the town the additional fee prescribed for the extension permit before proceeding with additional excavation.

E. Emergency permits. No work may be performed without first obtaining the proper permit except excavations made for emergency repairs. A permit must be secured on or before the next business day for emergency work performed, and the permittee must, upon filing the application for the emergency permit, pay the town the additional fee required for the emergency permit.

F. Denial, suspension, revocation of permits; prohibition of cutting new streets, except in case of emergency. A permit may be denied or suspended for any of the following reasons, including, but not limited to:

1. Failure to perform work in accordance with the provisions of the permit;
2. The proposed excavation would be in a new street and not otherwise permitted;
3. Failure to provide proof of liability insurance acceptable to the town;
4. False or misleading information submitted on permit application; or
5. Failure to hold or obtain a proper contractor’s license or other required license or authorization.

A new street is defined as a street that is less than three years of age since initial construction, reconstruction, or overlay. Cutting of new streets is strictly prohibited except for emergency

repairs to utilities.

G. Applicant to provide written notice of commencement of work. After the issuance of a permit by the town, the applicant must notify the town in writing a minimum of 48 hours in advance of any work so that inspection and soils testing may be scheduled. Permittee must provide written notification to all businesses and residences affected by the work covered under an issued permit, including, as a minimum, all those located within 500 feet of the proposed street cut. The written notification must include the date or dates of the proposed excavation; the times of day work will be going on; and other information calculated to ease the burden of the street cut on the traveling public.

H. Appeal from denial, suspension, revocation of permit and from imposition of alleged exorbitant fees. An applicant or permittee that has been denied a permit; has had a permit suspended or revoked; or believes that the fees imposed for the proposed street cut are improper or unreasonable, may have the denial, suspension, revocation, or fee imposition reviewed, after filing a written appeal in the following manner:

1. Appellant may, within five days of receipt of written denial, file with the town a written notice of appeal. The written notice must state the reason for the appeal; set forth cost comparisons with alternatives, if any, to the proposed street cut; explain in detail the extraordinary hardship encountered by the appellant; and include a statement of any other relevant factors. The town will provide a written decision within five days after the next regular town board meeting following receipt of the appeal, provided the appeal is filed sufficiently far in advance to provide public notice of the town board hearing. Otherwise, the written decision will be provided within five days after the next following regular town board meeting. The town's failure to render a decision within the prescribed period shall constitute a denial of the appeal.

2. If the appeal is denied, the appellant may file a written motion for reconsideration to the town board within five days of receipt of the town's written decision on the appeal. Upon recommendation of any two town advisory board members, the motion for reconsideration will be set for hearing. The town must notify the appellant of the placement of the motion for reconsideration on the next available agenda of the town board in compliance with the Nevada Open Meeting Law.

18.07.020 Inspection by towns.

A. Before beginning any backfilling, after excavating to effect a tie-in to the town water, irrigation or storm drainage system, a contractor must apply to the town, not less than 48 hours before the proposed inspection, to inspect and approve any piping or work related to the connection to the town water, irrigation, or storm drainage systems. The town shall inspect the work within a reasonable time after application is made. No backfill work may proceed until the town has first approved the connection, or tie-in work. All street-cut repairs must be completed not later than 15 working days after the initial street cut is made. Street-cut repairs must restore the street to a permanent surface of equal or better quality and durability with the road surface immediately contiguous to the road surface affected by the street cut. Not later than ten days after the repair is complete, an as-built drawing with dimensions must be provided to the town by the person effecting the connection.

B. Additional work to be performed at town expense. In some cases the town may elect to remove and replace pavement beyond the limits authorized under the permit. When this is done, this discretionary removal and replacement must be separately identified on all documents and will not be charged to the permittee.

18.07.040 Tie-ins.

A. No tie-in or work on the water, irrigation, or storm drainage system of the towns may be done unless a drawing of the proposed improvements is first submitted to and approved by the director of public works for the town. The drawing must be submitted not less than five working

days before work is proposed to begin.

B. No tie-in or other work on a town's storm drain system may be done unless a drawing of the proposed work is submitted to and approved by the town. The drawing must be submitted not less than five working days before the work is to begin.

C. All tie-ins must be constructed in accordance with the Design Standards Manual.

18.07.040 Additional specifications and special conditions.

A. Any additional specifications and special conditions shall be attached to the permit at the time of its issuance. Specifications and special conditions include, but are not limited to, the method of street or sidewalk cutting; replacement materials and methods to be utilized; disposal of spoils; and other information of assistance to the applicant in understanding town requirements. All specifications and special conditions must be strictly adhered to during the course of work authorized under the permit. All work must comply with "Orange Book" requirements.

B. Responsibility for cleanup. The permittee is responsible for keeping the work site and adjacent area clean and free of construction debris. Construction debris must be collected and disposed of at an appropriate disposal site each day during the effective dates of the permit.

C. Traffic control. Permittee is solely responsible for traffic control and public safety pertaining to their work

18.07.050 Warranty and indemnification.

A. The contractor shall warrant, in writing, that the work will function as constructed for a period of at least one year or that the contractor will replace the failed work at no cost to the towns. Notice of failure is deemed served upon the contractor three days after the town secretary or any other authorized town employee deposits a copy of the notice of failure in the United States Post Office, with postage prepaid, addressed to the contractor.

B. Release and indemnification. Permittee agrees to and shall release the towns, their agents, employees, officers, and legal representatives from all liability for injury, death, damage, or loss to persons or property sustained in connection with or incidental to performance under the permit, even if the injury, death, damage, or loss is caused by the town's actual or alleged joint or concurrent negligence and/or the town's strict products liability or strict statutory liability.

Permittee agrees to and shall defend, indemnify, and hold the towns, its agents, employees, officers, and legal representatives harmless from all claims, causes of action, liabilities, fines, and expenses (including, without limitation, attorney's fees, court costs, and all other defense costs and interest) for injury, death, damage, or loss to persons or property sustained in connection with or incidental to performance under this permit, including, without limitation, those caused by: permittee or its agents, employees, officers, directors, principals, or subcontractors of permittee's actual or alleged negligence or intentional acts or omissions; the town's and permittee's actual or alleged concurrent negligence, whether permittee is immune from liability or not; and the town's permittee's actual or alleged strict products liability or strict statutory liability, whether permittee is immune from liability or not.

18.07.060 Violations; sanctions.

For any violation of this ordinance, the town shall provide the contractor, by certified mail, notice of demand to replace or repair the connection and street in a proper manner within a five day period. If the contractor fails to comply with the town's demand, the town may withhold the portion of the deposit required for the town to accomplish the work omitted by the contractor. In addition, the town may pursue any other legal remedy necessary to reimburse the town its costs incurred in making the repair properly.

18.07.070 Schedule of fees.

When the permit is issued, the applicant must pay all fees in the amounts fixed by resolution

from time to time by the town board, which may, in the appropriate circumstances, waive permit fees. All permit fees paid to the town shall be deposited in a separate fund or funds and shall only be expended for the repair, resurfacing, reconstruction, or other improvement of town streets. All other fees shall be deposited into a separate fund or funds and only expended for the inspection and soils testing of town streets.

A non-refundable permit application fee of \$300 must be remitted to the town at the time of application. Any additional fees incurred by the town in relation to permitted work are the responsibility of the permittee.

Concrete sidewalks, curbs, gutters and driveway approaches require a \$30 minimum or \$.05 per square foot fee, whichever is greater.

18.07.080 Cumulative effect of requirements.

The provisions of this ordinance are cumulative of all other requirements and other laws, including, without limitation, Standard Specifications for Public Works Construction ("Orange Book"), plumbing and electrical codes, and all applicable state and federal laws and regulations. Compliance with this code does not excuse compliance with any other law, and permittees are additionally required to obtain any other permits, licenses, and authorizations necessary to perform work under an issued permit.

18.07.090 Miscellaneous specifications.

A. PCI ("Pavement Condition Index") shall be utilized for determination of applicable pavement patching maintenance fees. The PCI value will be determined by the town using the town's Pavement Management System database. The following provisions apply to excavations in streets with the following PCI values:

1. PCI of 0-250: Excavations in these streets, sections, or rights of way is deemed to be excavations in streets, sections, or rights-of-way with nominal loss of pavement life and are not subject to additional patching maintenance fees.

2. PCI of 51-85: Excavations in these streets, sections, or rights-of-way is subject to a \$1 per square foot or \$30 additional fee, whichever is greater.

3. PCI of 86-100: Excavations in these streets, sections, or rights-of-way-is deemed 100% loss of existing pavement life. Excavations in these streets, sections, or rights-of-way are subject to a \$2 per square foot or \$120 additional fee, whichever is greater.

B. PCI value of street sections will be determined by the town using the MicroPaver software database. PCI information is available at the town office during normal business hours.

C. Security Deposit. The permittee is required to place a refundable security deposit in the form of a cashier's check of other negotiable form acceptable to the town in the amount equal to \$3 per square foot of patch area to be returned upon satisfactory completion of repairs. Patch area includes required cut-back per town drawings. Security deposit requirements may be waived at the sole discretion of the town.

18.07.100 Street cuts and repair--Appendix

A. Backfill and Bedding.

1. Town standard: All backfill materials must be clean and free of organic material and construction debris. Trench backfill materials must be non-plastic sands. Native material may only be used for backfill upon the approval of the town. Open trenches may be temporarily backfilled for the convenience of the permittee or for public safety. If temporary backfill is utilized, all materials must be removed prior to beginning permanent backfill operations. Backfill material that has been placed where excess water cannot be prevented from entering the excavation is considered temporary backfill and must be removed when weather permits. All disturbed base material or any base that has been undermined must be removed when weather

permits. All disturbed base material or any base that has been undermined must be removed and discarded. Undermining of adjacent pavement or concrete requires removal of affected materials and removal and replacement of such materials. New asphalt road base shall consist of a minimum of twelve inches (12") of Type II aggregate base material.

2. Utilities and Facilities: Backfill and bedding must conform to the respective Utility or Facility requirements and, at a minimum, comply with "Orange Book" standards for Class E backfill.

B. Temporary Patch. Temporary asphalt patches are authorized for the convenience of the permittee or public safety. When temporary asphalt patching is utilized, permittee must maintain the temporary patch level with adjacent grade until permanent patching can be completed. Temporary patching may be utilized for a time period not to exceed 30 days until weather permits permanent patching. Plates are also authorized as a means of temporary patching and shall be grouted with asphalt to prevent plate movement when used. Temporary patch material shall consist of a minimum of 2 inches of hot or cold plantmix. The following surface tolerance shall be observed for temporary asphalt patches: When a 10 foot straight edge is laid across the temporary asphalt patch parallel to the street centerline and perpendicular to the street centerline, a rut, depression, or hump or more than 3/4 of an inch shall not be evident. Temporary patches exceeding the above tolerances must be replaced immediately upon notification of the town. If the existing street section exceeds the above tolerances, the temporary patch shall be equal or better than the condition of surrounding pavement.

C. Compaction. The sub-base shall be compacted to 90% relative compaction. Compaction tests shall be taken by a recognized testing laboratory. The test report shall be furnished to the town. Where the length of cut is less than 10 feet, one test must be performed. Where the cut is between 10 and 25 feet long, two tests must be performed. Where longer than 25 feet, a testing schedule must be established between the permittee and the town. In cuts involving less than 10 square feet of paving, a compaction test is not required, provided the backfill is 100% "clean" sand, mechanically compacted in lifts 6" or less in thickness, and inspected during backfill approved by the town before base material is placed. Permittee shall warrant compaction until roadway section is reconstructed or overlain and for three years thereafter.

D. Permanent Asphalt Patch. Asphalt concrete (AC) must be replaced to a depth of 3 inches or the depth of the adjoining asphalt, whichever is greater. Asphalt concrete materials, execution and installation must meet "Orange Book" requirements and consist of AC-20P with Type 3 aggregates. Maximum finished AC lift thickness is 3 inches. Bituminous material for tack coat must be SS-1H or equivalent. The tack coat must be applied to aggregate base and the edge of the existing pavement, curb, and gutter, as applicable, prior to the placement of a permanent asphalt patch. The application rate is 0.08-0.13 gallons per square yard. Prior to placing the permanent patch, the existing pavement must be sawcut to a neat line and to a minimum width as follows:

1. For transverse trenches, sufficient width (4 feet minimum) to accommodate mechanical placement, rolling, and compaction.

2. For longitudinal trenches on street sections with a PCI value up to and including 85, pavement patches must be of sufficient width (4 feet minimum) to accommodate mechanical placement, rolling, and compaction. Sawcuts are not allowed in the wheel path of travel lane. Trenches within 3 feet of the curb and gutter require removal and replacement of 4 feet minimum to accommodate mechanical placement, rolling, and compaction. Sawcuts within 3 feet of edge of existing pavement or other patch require removal and replacement of pavement between sawcut and that edge (4 foot minimum width).

3. For longitudinal trenches on street sections with a PCI between 86 and 100, the travel lane in its entirety must be removed and replaced from section to section; additional pavement patching fees will be waived when the travel lane is replaced in its entirety. Sawcut lines must be made at the edge of the travel lane and must not fall within the travel lane.

E. Boring and Jacking. Boring and jacking may be utilized for pipe installation for all pipe

sizes less than 4 inches in diameter. The permittee is responsible for compaction and restoration of areas utilized for the boring or jacking operation.

F. Sidewalks and concrete. All cuts in existing portland cement concrete (PCC) must be saw cuts. If a cut is made such that the remaining concrete strip is less than 2 feet wide, the entire strip must be removed and replaced. Concrete must be replaced in accordance with the "Orange Book" requirements. Any concrete disturbed or damaged during construction must be replaced prior to placement of the permanent asphalt patch. Damaged concrete sidewalk sections must be removed to the nearest expansion joint, but at no time may less than one full panel of concrete be removed and replaced. Damaged curb and gutter must be replaced to the nearest expansion joint, but at no time may less than a 10 foot length of curb and gutter be replaced. Concrete valley gutters may not be cut and will require complete replacement if damaged. Concrete and concrete reinforcing must comply with the "Orange Book" standards, concrete must be 4000 psi with Type II cement, air content of 6-1/2% plus or minus 1-1/2%, and have a water to cement ration of 0.45. No other admixture may be used without securing the approval of the town. Replacement concrete must be placed at a minimum thickness of 4 inches on a minimum of 4 inches of compacted base for sidewalk areas, or on 6 inches of compacted base for driveways, valley gutters, curbs and traffic areas. Joints with existing concrete must be made using expansion joint material.

G. Collateral Damage. Any damage or destruction to existing public or private facilities done during the course of work shall be repaired or replaced at the permittee's expense. This includes damage to or destruction of all survey monuments, pavement markings, lines, and bars. The town will determine the extent of the damage and order the extent and type of repair.

H. Excavation-General requirements. All excavations must be done in accordance with town standards and specifications. All excavations must be kept to the minimum required to perform the work. Applicable county, state, and federal requirements shall be followed at all times.

1. Open trench: maximum length of open trench shall be per "Orange Book" standards.

2. Trench plates: trench plates may be required to provide access to commercial and residential driveways.